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EXAMINER	
TRUONG, K	
ART UNIT	**PAPER NUMBER**
26M2/1117	19

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2615
DATE MAILED: 11/17/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☑ This application has been examined ☑ Responsive to communication filed on 12/1/93 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire THREE(3) month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☑ Notice of References Cited by Examiner, PTO-892.
2. ☑ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☑ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☑ Information on How to Effect Drawing Changes, PTO-1474..
6. ☐ _____.

Part II SUMMARY OF ACTION

1. ☑ Claims 1-8# 39-72 are pending in the application.
   Of the above, claims 50-71 are withdrawn from consideration.
2. ☑ Claims 9-38 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☑ Claims 1-8, 39-49 and 72 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☑ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____. has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____ ; filed on _____.
13. ☐ Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Part III DETAILED ACTION

1. Newly submitted claims 50-71 are directed to inventions that are independent or distinct from the invention originally claimed for the following reasons:

The invention of claims 50-64 requires the specific mapping means for producing a segment map responsive to the at least one segment definition and descriptor. The invention of claims 65-67 requires the segment definitions to comprise frame identifiers. The invention of claim 68 requires means for retaining continuity between non-continuous segments. The invention of claims 69-71 one scene has a plurality of versions and means for associating a rating scale.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 50-71 are withdrawn from consideration as being directed to a non-elected invention. See 37 C.F.R. § 1.142(b) and M.P.E.P. § 821.03.

Specification

2. The Abstract of the Disclosure is objected to because of the following reasons: The abstract should be rewritten into one paragraph; on line 1, "This invention relates to an" should be

changed to --An--. Correction is required. See M.P.E.P. § 608.01(b).

3. Applicant is reminded of the proper language and format of an Abstract of the Disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said", should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. **It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.**

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

5. Claims 1-8, 39-40, 42-49 and 72 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1:

a) Line 8, the phrase "player means for playing said at least one segment", it is not clearly which one segment is it referring to. Is it from the program segment defining means or from the content defining means?

b) The display means is generally for displaying program information. It is not clearly understood how the "display means **generates a continuous program** of said at least one segment consistent with said viewer control commands".

Regarding claims 7 and 44, it is not clearly understood what is meant by "at least one of a parallel segment, and an overlapping segment, and a transitional segment for at least one segment".

Regarding claim 39, the display means is generally for displaying program information. It is not clearly understood how the "display means **generates a continuous program** of said at least one segment consistent with said viewer control commands".

Regarding claim 42, it is not clearly understood what is meant by dividing a video program into "at least one of a parallel segment, and an overlapping segment, and a transitional segment for at least one segment".

Regarding claim 43:

a) Lines 8-9, there is no proper antecedent basis for "the automatic application".

b) Lines 9-10, there is no proper antecedent basis for "the segment definitions".

c) Line 10, the functional "whereby" statement was held not to define any structure. See in re Mason, 114 USPQ 127, 44 CCPA 937 (1957).

Regarding claim 72, the functional "whereby" statement was held not to define any structure. See in re Mason, 114 USPQ 127, 44 CCPA 937 (1957).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3-4, 7, 39-40, 42-44, 59 and 72 are rejected under 35 U.S.C. § 102(b) as being anticipated by Westland.

Due to the indefiniteness of the limitation (claims 7, 42 & 44) as explained in the above 112, second paragraph rejection, the following rejection is based upon the broadest interpretation, disregarding the limitation of "at least one of a parallel segment, and an overlapping segment, and a transitional

segment for at least one segment". Westland discloses a video composition method and apparatus for providing simultaneous inputting and sorting of video source material. The system, as shown in Westland, includes a video composition system (10) comprises a control console (12) from which an operator/editor controls the operation of the entire system; program segment defining means for dividing a video program into at least one segment (col. 3, line 68 to col. 4, line 4); content defining means for defining contents of at least one segment in accordance with content labels (col. 4, lines 3-4); preference storage means (13) for storing viewer preferences for the content of the least one segment; player means (14, 16, 18, 20) for playing the at least one segment; processing means (22) for controlling the player means to access those segments of the program consistent with viewer control commands (12); random access segment retrieval and display means (306, 32) for displaying a continuous program of the at least one segment consistent with the viewer preference, **as specified in claims 1, 3-4, 39, 42-43, 49 and 72.** (See Figures 1-3 and 8-9; col. 2, line 10 to col. 10, line 29).

Regarding claim 40, Westland shows the same control commands

(See the control console (12).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

9. Claims 8 and 41 are rejected under 35 U.S.C. § 103 as being unpatentable over Westland in view of Kawai.

Westland discloses a video composition apparatus for providing a visual presentation of video labels selected from the digitized frames having substantially the same structural elements as in the instant claims (as explained in the above rejection). Although Westland teaches a new and greater speed search capability, Westland fails to explicitly teach a keyword segment retrieving means for retrieving the segments based upon the provided keywords.

Kawai discloses an information searching system for image data which utilizes a character or symbol as a key word to

retrieve and display corresponding segments data with associated piece of music. (See col. 1, line 37 to col. 2, line 46).

It would have been obvious to one of ordinary skill in the art to provide the teaching of utilizing a character or symbol as keyword to search for the desired segments of data of Kawai to the apparatus for Westland so as to attain an even higher speed information searching system.

10. Claims 2, 5-6 and 45-46 are rejected under 35 U.S.C. § 103 as being unpatentable over Westland in view of Vogel.

Westland discloses a video composition apparatus for providing a visual presentation of video labels selected from the digitized frames having substantially the same structural elements as in the instant claims (as explained in the above rejection). However, Westland fails to explicitly teach a viewer identification and password control means and the variety of rating levels such as violent, nudity, etc.

Vogel discloses a selective video playing system providing a classification code, recorded along with program material, is recovered on reproduction and utilized to inhibit replay if the recovered code matches any of a set of codes specified by the user. Vogel further teaches that the "classification code used by this invention can also be used to provide other useful additional functions, such as displaying the title of the program

being played, locating a particular program on a video tape (see col. 6, lines 24-27). (See Figures 1 & 5; col. 2, line 55 to col. 6, line 28).

It would have been obvious to one of ordinary skill in the art to provide the classification code of Vogel to the apparatus of Westland for the same reasons such that the classification code are utilized to locate a particular program on a video tape with additional function of inhibiting retrieval of program material if the recovered code matches any of a set of codes specified by the user.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Young et al. discloses a television schedule system which includes content categories ratings similar to the instant claims.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi Truong whose telephone number is (703) 305-4727.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

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